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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,	)	2:06-cr-00310-HDM-PAL
	)	2:12-cv-00851-HDM
Plaintiff,	)	
	)	
vs.	)	ORDER
	)	
JOSEPH HALL,	)	
	)	
Defendant.	)	
_____	)	

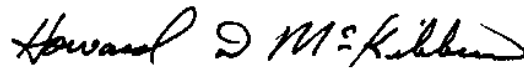
The government has filed a motion for an order waiving the attorney-client privilege with respect to defendant's 28 U.S.C. § 2255 motion (#242). The defendant has not opposed the motion, and the time for doing so has expired.

Considering the nature of the claims defendant has raised in his § 2255 motion and the fact defendant has not opposed the government's motion, the court finds and concludes that the attorney-client privilege has been waived. *Bittaker v. Woodford*, 331 F.3d 715, 716 (9th Cir. 2003) ("[W]here a habeas petitioner raises a claim of ineffective assistance of counsel, he waives the attorney-client privilege as to all communications with his allegedly ineffective lawyer."); see also *United States v. Ortland*,

1 109 F.3d 539, 543 (9th Cir. 1997). Accordingly, the government's  
2 motion for order waiving the attorney-client privilege (#242) is  
3 **GRANTED**. Defendant's former attorney, G. Luke Ciciliano, is not  
4 prohibited by virtue of the attorney-client privilege from  
5 providing testimony and affidavits responsive to the defendant's  
6 ineffective assistance of counsel claims.

7 **IT IS SO ORDERED.**

8 DATED: This 9th day of August, 2012.

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11 UNITED STATES DISTRICT JUDGE  
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